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A (71)
LETTER
FROM
OXFORD,
CONCERNING
Mr. *SAMUEL JOHNSON*'s
Late BOOK.

Διὰ δυσφημίαν καὶ βύφημίαν, ὡς πλάνοι καὶ ἀληθεῖς.



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Printed in the Year MDCXCIII.

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...and the fact that the ...

A Letter from Oxford concerning Mr.
SAMUEL JOHNSON'S late Book.

According to your Desire I am very willing to give you not only my own Judgment upon Mr. *Johnson's* late Book, but that of others, who are much more able than I am my self to pass a Judgment of it: You know I live in a Place where Men of his Principles have been almost universally cry'd down as Enemies to the *English Monarchy*, and consequently to the *Church of England*, (though neither you nor I are very clear in that Consequence, if there were any Foundation of Truth in the Premises) and where every thing that bears his Name, or that of any other Person who is under the same Prejudice here, was like to find but cold Entertainment: and yet I can assure you, that this Book has made some Converts amongst us, such, I mean, who were not our Enemies out of pure Malice; has stagger'd others, who were less settled upon their Lees; and has hardned others in their Impenitency, whose Eyes the God of this World has blinded, that they cannot believe nor understand.

It is observed in the *Acts of the Apostles*, and inserted into Holy Writ by the immediate Inspiration of God's Holy Spirit, as a most notorious Instance of the Prevalency of the everlasting Gospel of Christ; that *a great Company of the Priests* Cap. 6.
Vers. 7. *were obedient to the Faith: as if they, of all Men, were the most obdurate and hardest to be wrought upon.*

For such is the Infirmary of Mankind, that we must have Men to instruct us in our Duty; and the Veneration we naturally have for a Deity, carries us sometimes insensibly and unawares into an implicate blindfold Awe and Respect for the Persons of those Men who officiate at his Altar, preach his Word to us, and instruct us out of it in our Duty to him and our Neighbours.

But since God has put *this Treasure in earthen Vessels*, as St. Paul informs us (though perhaps that Expression, if it were not in Holy Scripture, might seem needless, for daily Experience taught us before he was born, and will do to the End of the World, that so it is) these Dispensers of his holy Word and Sacraments being *Men of like Passions with us*, have been apt to take Advantage of the Credulity of Mankind, and to inculcate things into us in the *Name of the Lord, which the Lord hath not said, neither came they into his Heart.*

And

And having once taught us, *in the Name of the Lord*, Doctrines, which really are, and which sometimes they themselves know to be but *Traditions of Men*, (for I cannot have that Charity for them all, as to believe that they believe themselves) they are then obliged for the maintaining of their Credit, and by a spiritual Pride, which is very incident to *earthen Vessels*, not to retract those Doctrines, which indeed they cannot do, without giving God or themselves the Lie, and without betraying the Interest to which they think those Doctrines subservient. And hence it comes to pass that Clergy-men of all others are hardest to be reclaimed from any Errors that they have once imbarqued in. Their Interest for the most part lies at stake; their Reputation, as Men of Learning and Judgment; and above all, as Men *intrusted with the Oracles of God*.

Accordingly we find by History both Sacred and Profane, that in all Nations, and in all Ages, the Clergy, whether *Pagan, Jewish, Mahometan, Popish* or *Protestant*, have mustered all their Force from time to time, to oppose any Innovations whatsoever, either in Doctrine or Discipline, that have had the least Colour of being Alterations for the better.

The *Jewish Clergy* crucified our Saviour, and persecuted his Apostles and Disciples, where they had any part of the Civil Power in their own Hands; and where they had not, they stirred up the *Pagan* Ma-

Magistrates to do their Drudgery, in persecuting the Christians, as appears by the Acts of the Apostles.

The Pagan Clergy opposed Christianity, because if our Saviour's Doctrine of One only God were received, their multiplicity of Gods, and consequently by their several Temples, Altars, Victims, Priesthoods, Profits, Perquisites, Advantages and Emoluments whatsoever, thereunto belonging, or in any wise appertaining, would become utterly void and of none effect, to all Intents and Purposes whatsoever.

How the Popish Clergy opposed the Reformation, and with what weak Arguments, but under how potent Inducements of another kind, we all know who have looked but a hundred and fifty, or two hundred Years backward into the History of this part of Christendom.

Examples of our Protestant Clergy I forbear to mention, because I would not be invidious; and because we live in an Age, in which Wounds ought rather to be endeavour'd to be healed, than to be ripp'd into, and made wider.

But this hint is sufficient to inform us, how great Prejudices the Clergy, of what kind soever, let be under, with Respect to the maintaining what they have once espoused and taught; and consequently how great a Credit accrues to any Truth, by conquering their Prejudices, and gaining them

them to a Reception and Entertainment of it.

Which that this Book of Mr. *Johnson's* has done in a great Measure in this University, I can and do assure you; and I will give you an Account by what Methods their Conviction proceeded, before I give you my own or any Bodies Censure of the Work it self.

They had their Education under the Reign of the late King *Charles* the Second, in whose times all the several Maxims and Principles of Tyranny were set on foot, and improved to the uttermost; the Government of this Nation represented as an absolute Monarchy; and that sort of Government endeavoured to be proved the only Government, that had any Foundation in Nature or Scripture. Hence proceeded the several Branches of Slavery, viz. that the Legislature was vested in the Person of the Prince only; and the two Houses of Parliament, that of the Commons especially, as inconsiderable, as they are represented in the Beginning of Mr. *Johnson's* Preface; the unalterable Right of Succession; the Irresistibility of Princes; and their darling new-coin'd Doctrine of *Passive Obedience*, the Characteristical Mark of the Church of England, to use the Words of a late Prelate, when he was about to give up the Ghost.

These Principles were then so far countenanced at Court, that the asserting of them in the Pulpit and

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and in the Press; was then the only way to Preferment in the Church; and Interest striking in with Education, the poor Gentlemen were tied Hand and Foot. Their Education was such as had deprived them of Opportunities to be rightly informed; and their Interest going hand in hand with their Ignorance, they did not seek after Information.

That which contributed to their Blindness of Mind, was, that some Men, not merely Speculative and Notional, as Clergy-men generally are, the Subject Matter of whose Studies and Enquiries is for the most part wrapp'd up in the Clouds, were set at work by the Court to perswade the Nation, that what the Clergy taught us, as the *Law of God*, was really and truly the *Law of the Realm* likewise.

Our Gentlemen here have not used to trouble their Heads much with humane Laws, which they are apt to look down upon with Contempt, and account of them as a Knack only by which one sort of Men amongst us pick Money out of other Mens Pockets: but they had heard at a Distance of *Fundamental Laws*, and were very ready to believe such Men as Brady, Johnson, Filmer, &c. who told them as from *History*, *Records*, and the *most Antiquity*, that our Government was the same by *our Law*, that it was or ought to be by *their Divinity*.

Thus

Thus they were lulled asleep, till the Consequences of their Principles came to stare them in the Face in King James his time: Slavery they could digest, for that was what they had professedly, own'd, preach'd and printed. But they were not aware that Slavery would bring in Popery, or whatever the Sovereign had a mind to, till they saw by Experience that a Slave is a Dog, that must leap over a Stick, and back again, as his Master bids him.

Being thus at a Stand, and having no Remedy left them but their Prayers and Tears, it pleas'd God to stir them up a Deliverer, whom indeed they accepted at first with open Arms, tho' some of them thought afterward he deliver'd them more than he need'd; however, neither the Providence of God, nor the Authority of the States of the Realm; nor the *Vox Populi* would be limited and restrain'd by the Dreams of our Men of Theory.

The Revolution being thoroughly wrought, they were glad to find themselves in the Condition they were in, and as the Wit of Man is fruitful of Inventions, they cast about how to come in to the Interest of this present Government, without renouncing what they had formerly so openly avow'd to be

be the Law of God: and according to their several Judgments, Wits, Apprehensions, Fancies, Whimfies, Pooleries, &c. some submits to Providence; another to an Usurper; another to a King *de facto*, another to a Conqueror: one says, King James left us; another, we turn'd him out; another, *Cassio* like, cares for none of these things, but submits to the Powers that are. Now this Book of Mr. Johnson's has so effectually, even in their own Judgments, and by their own Acknowledgments, beat them out of all these weak Strong-holds, that they begin to be satisfied, that what all the rest of Mankind believe, is true, to wit, that there is no safe Rule for Conscience in Civil Affairs, but the several Laws of Nations: And this makes them see the necessity of enquiring into our Laws, if they will be Dominant in Matters of this nature, or else of submitting their Judgments to the Statutes of the Realm, as they are in Parliament.

This great Work Mr. Johnson's Book has done with many here: it has convinced them that Law is Law; and that heretofore they did not understand the difference between Law and no Law. And this Conviction having put some of them upon sending their Studies towards an Enquiry into the Laws of this Government, we may hope to see full of what

what was said by the Prophet, *The People's Lips should keep knowledge, and they should seek the Law at his mouth, and be the messengers of the Lord of Hosts.* or " *and he shall be as a light to the eyes of the blind.* "

The two Positions which Mrs Johnson lays down in the beginning of her Book, at the end of her Preface, viz. " *That the People of England did actually De-* "

throned King James the Second for Misgovern- " *ment, and promoted the Prince of Orange in his* " *stead: And the Power of the People has since* "

been established by the English Constitution, and prescribed by it; " *Have used to be traduced by our Clergy as Repub-* " *lican Principles, and as such are branded by a Re-* " *verend Prelate of our Church, in a Preface of his* " *to three Treatises concerning the Duty of Loyalty:* "

Where, according to the Genius of the Court, as it then was, he expresseth himself thus, viz. " *It* " *is allowed by all Friends to our King and his* "

Government, that the Commonwealth Princi- " *ples are destructive to it, and that none who* " *own them, can give any sufficient Security for* " *their Allegiance. All the mischievous Conse-* " *quences of the Republican Principles, do fol-* "

low upon the Pope's owning the Power of depo- " *sing Princes. However, the Primitive Chri-* "

have traduced Positions, as new upstart Commonwealth Principles, which have so deep a Root in the Legal Government of this Nation; and which whoever shall deny, does, as far as in him lies, set this present Government upon a rotten, sandy Foundation. He would then perhaps have learnt to practise what he tells us the best Teachers of Christianity did, viz. "They never meddled with Crowns and Scepters, but left Mankind under those Forms and Rules of Civil Government, in which they found them: What greater and better Argument can be given against Church-men introducing Religion or Christianity into the Forms and Rules of Civil Government, than what this Gentleman acknowledges, viz. that no Saint will undertake to meddle with it. They left the several Civil Governments to depend upon their own Laws, Policies, and Constitutions; and therein, and on whom else, have we sought for Rule and Guide to our Conduct in matters relating to Allegiance and Rebellion; the Power of the Prince, and the Duty of Subjects, every one is to omit more by him and his Conference and Advice, and by the Advice of the great and wise, than by any other means. I am not here professedly taking upon me to maintain either of Mr. Johnson's Positions, which no Man is better able to make good than himself, though there is a great need of his undertaking neither,

neither, unless some or other should have the Impudence to contradict him.

But I must beg leave to observe that heretofore under the Reigns of Princes, whose Accession to the Throne was occasion'd by the Removal of their Predecessors, the Doctrine contain'd in Mr. Johnson's second Position, was never look'd upon as dangerous to Princes, but countenanced and openly avowed. In the first Year of King Edward the Third, there are these observable Words in a Statute of that King, viz. Whereas it was necessary for our Sovereign Lord the King that now is, and the Queen his Mother, seeing the Destruction, Damage, Oppressions and Differencs, which were notoriously done in the Realm of England, upon Holy Church, Prelates, Earls, Barons, and other Great Men, and the Commonalty, by the said Hugh, and Hugh, Robert and Edmund Arundel, by the incroaching of such Royal Power to them; to take as good Counsel therein as they might. And seeing they might not remedy the same, unless they came into England with an Army of Men of War, and by the Grace of God, and with such Puntance, and with the Help of Great Men and Commons of the Realm, they have vanquished and destroyed the

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" the said *Hugh* and *Hugh*, *Robert* and *Edmund*.
 " Wherefore our Sovereign Lord the King that
 " now is, at his Parliament holden at *Westmin-*
 " *ster*, &c. hath provided, ordained and esta-
 " blished, That no Great Man nor other, of what
 " Estate, Dignity or Condition he be, that came
 " with the said King that now is, & with the Queen
 " his Mother into the Realm of *England*; nor none
 " other, then dwelling in *England*, that came with
 " the said King that now is, and the Queen in
 " Aid of them, to pursue their said Enemies, in
 " WHICH PURSUIT THE KING HIS FATHER WAS
 " TAKEN AND PUT IN WARD, AND YET REMAIN-
 " ETH IN WARD, shall not be impeached, mole-
 " sted nor grieved in Person, nor in Goods, in the
 " King's Court, nor other Court, NOR THE PUR-
 " SUIT OF THE SAID KING, TAKING AND WITH-
 " HOLDING OF HIS BODY, nor Pursuit of any
 " other, nor taking of their Persons, Goods, &c."

This same Parliament reversed the Attainders of
 several Persons who had assisted *Thomas Duke of*
Lancaster, towards the Removal of the *Spanours*,
 Father and Son, from the Presence and Councils of
 King *Edward* the Second, and particularly the At-
 tainder of *Thomas Duke of Lancaster* himself, who,
 as Lord High Steward of *England*, had betaken him-
 self

fall to him, to drive the Spaniards out of the Realm, or to bring them to Justice, and had given the King Battle. And they not only royster his Attainder, but in a Letter to the Pope, give an Account of his Worth, of the Justice of his Cause, that he died a Martyr, that Almighty God had been pleased to give a Testimony of his Innocence, &c. by permitting several Miracles to be wrought at his Tomb, which they desire the Pope to issue a Commission, to enquire whether they were real or not, and to canonise him for a Saint. The Revival of his Attainder, and this Letter, are yet extant upon Record.

Not could I ever conceive any of our Histories or Monuments, that give any Account of that Revolution, that King Edward the Third claimed the Crown, either by Conquest, though he came from beyond Sea with a Force too, and routed and dispersed those evil Counsellors who had got the King into their snare; or by Right of Inheritance, though he was indeed the next Heir, but could have no Title by Descent, as long as his Father was alive, or that any other Hypothesis was invented to colour his Accession to the Crown, than what was really true in Fact, which was no other than his being seized by the Barons of the Realm,

who had deposed his Father for his Misgovernment, upon formal Articles of Impeachment, which are yet to be seen in *Adam Orleton's Apology*, at the end of *Henry Knighton's Chronicle*: Much less would that King have endured such as should charge him to his Face with Usurpation, and that he was a King *de facto* only, but not *de jure*.

We know how his Successor, King Henry the 4th, treated a couple of Prelates that opposed his Title, which was the same with that of his Grandfather, the Victorious King Edward the Third. The Bishop of Carlisle was proceeded against in Parliament, and sentenced to Death, though the King was pleased to remit this. But for the Archbishop of York, the more virulent and bitter Adversary of the two, he made no more ado, but chopp'd his Head off.

Queen Elizabeth's Title to the Crown was by virtue of a Remainder settled upon her by Act of Parliament; other she had none, nor ever pretended to any, for she stood Illegitimated by an Ecclesiastical Sentence confirmed by Act of Parliament: And so sure a Title she took this to be, and was so little ashamed to own it, that it was made *High-Treason*, during her Reign, to deny that the Succession

cession of the Crown might be altered by Act of Parliament, and a *Premiure* for ever.

I mention these things, because we hear, to our Astonishment; that Mr. *Johnson's* Book is not well receiv'd at Court; where, of all other places, in our poor Opinions, it ought to meet with the kindest Entertainment; because it justifies his Majesty's Proceedings, which were previous to the Revolution; and represents him, as the Truth is, to be a King, who has a Just and a Legal Right to the Crown by the Laws of this Realm.

By what Logick it can be made ill Doctrine, to assert the Lawfulness of removing bad Princes under the Government of good Ones, and those such, as upon a supposition of the Unlawfulness of removing bad Ones, can have no good Title to the Crown themselves, is what we cannot easily comprehend. But I have ever thought that Courtiers see farther into a Millstone than other Men, and that their way of Reasoning differs from that of the rest of Mankind; since I saw King *Charles the Second* heal: I took notice, that when the King put the Gold about their Necks, that came to be Touch'd; the Bishop repeated over and over these Words out of *St. John's Gospel*, viz. *This is*

the true Light, which enlighteneth every Man that cometh into the World. I asked a Courtier, what relation the meaning of those Words could have to such an Occasion? And he told me, that he interpreted Scripture like a Peasant, and did not understand the Court-Interpretation of Scripture.

But this Court, we think, would do well to consult their Master's Honour and Safety more, than to sacrifice both to the Interest, or indeed but the supposed Interest of a Party of Men, who in their Principles are his avowed Enemies, and consequently are obliged to be so in their Practice, if an Opportunity ever present it self, and who of all Mankind are seldomest in the right.

By discountenancing Mr. *Johnson's* Discourse, they wound their Master's Honour in a double Respect; both his own personal Honour, and that of his Family.

His personal Honour, by contradicting him in his Declarations, and blemishing the Concurrence of others with him, to promote the Ends of his Expedition.

The Honour of his Family, by testing *Dutty* on a Principle, which raised it to so great an Eminency in the Low Countries, as has both his Ma-

esty's

Jeffrey's Father and himself married into a Royal Family; by which his Majesty had an Opportunity, and has happily laid hold of it, to rescue a Distressed Nation from Tyranny and Oppression, and thereby to make so Illustrious a Figure as he does at present in this part of the World.

His Majesty accepted kindly that Learned and Ingenious Gentleman's Compliment to him, upon the singular and transcendent Honour, hereditary to his Family, of being the Champions of Almighty God, sent forth in several Ages to vindicate his own Cause from the greatest Oppressions. Which he and they have no otherwise done, than by espousing the Cause of Laws in opposition to the Exorbitancy of Princes, who obstinately declined to make them the Rule of their Governments.

How far they endanger their Master's Safety, I pray God, neither his Majesty nor we may learn by woful Experience.

In short, either let them give his Majesty (say we) a legal Title to the Crown, which he cannot have but by the Laws of the Realm, which are the Foundation upon which every Government is built, that is not a Tyranny, or let them speak out roundly,

ly, and say in plain Terms, that he is an *Murderer*;
Plain Speaking's a Jewel. M. said, I have said so often, I

One Consideration more I will add before I
 leave this Head; and that is, that *Trajan* the Em-
 perour, one of the greatest beyond dispute, and
 perhaps one of the worthiest and most excellent
 Princes that ever sway'd a Scepter, was so little
 concern'd whether his Subjects thought themselves
 obliged to yield Obedience to *Tyrants* or not, that
 one of his chief Favourites, and who knew his
 Mind very well, scrupled not to vent these bold
 and generous Truths in a *Panegyrick* made in his
 own Audience; viz.

*Trajan Statuum in Vestibulo Jovis Optimi Maximi
 unam alteramve & hanc aream, cernens, paulo
 ante aditus omnes, omnes gradus, totaque area hinc auro,
 hinc argentea relucebat, seu potius polluebatur; quam in-
 cepti Principis statue permissa. Deorum simulachra sordae-
 rent. Ergo ista quidem area & paucorum, manebuntque
 quamdiu Templum ipsum; ille autem aurea & innumera-
 biles, strage & ruina publico gaudio litaverunt. Juva-
 bat, illidere solo superbissimos vultus, instare ferra, sa-
 viro securibus, ac si singulos, ichus sanguine dolorque seque-
 retur,* (here the Author in the hearing of an excel-
 lent Prince, describes the Multitude tearing a Tyrant

rant

rant to pieces in Imagination, and does it with Joy and Triumph :) *nemo tam temperans gaudii, senaeque Lætitia, quin instar ultionis videretur, cernere laceros artus, truncata membra, Ipsostrimo truces, horrendasque imagines abjectas, excoctasque flammis, ut ex illo terrore, & nuntio in usum hominum & voluptates mutarentur.*

And a little after, *Quam de malo Principe postextatent, manifestum est eadem facere presentem*

Then he puts Trajan into the same Class with Brutus, who was instrumental in delivering Rome from the Tyranny of the Tarquins, and him that help'd to kill Julius Cæsar in the Senate, *Visitatio eadem ex materia Cæsaris Stratiæ, qua Brutum, qua Camillorum. Nec discrepat causa. Illi enim Reges. Hæsternique Victorem manibus depulerant: hic Regnum ipsum, quæque alia captivitas, regnitas, arcet, ac submovent, sedemque obtinet Principis ne sit Dominus locus.*

And whereas the Author of the Preface to the three Treatises, makes a Jest of Conditional Settlements of Power, Pliny tells us, that the publick Prayers for this Emperour were conceiv'd conditionally, viz. *Si bene Rempublicam & ex utilitate omnium rexerit.*

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He applauds him for countenancing and restoring the Posterity of such as had signaliz'd themselves in asserting the Laws and Liberties of their Country. *At aliud a te quam votis reverentia optinuit, ut juvenibus clarissimæ gentis, debitum generi honorem, sed antequam deberetur, offerres? Tandem ergo Nobilitas non obscuratur, sed Illustratur a Principe; tandem illos iugentem Virorum nepotes, illos posteros Libertatis, nec terret Caesar, nec pavet; quinimò festinatis honoribus amplificat æqua augeat, et majoribus suis reddit.*

He tells him that no Prince can be acceptable to God, who has not the Love of the People, and that therefore Trajan had concluded his *Vota publica* *nuncupata*, ut ita precibus suis Deo convenirent, si *Justissimum Populi mereri perseverasset.* *Atque (says Pliny) nihil tibi amore civium antiquius, ut apud nos, deinde a Diis, atque ita ab illis amari cupis, si a nobis amaris. Et sanè priorum Principum exitus docuit, ne a Diis quidem amari, nisi quod homines viderent.*

And at the end of his Panegyrick the Author prays no Jupiter Capibinus to preserve them in power to them and their Posterity, upon the same Condition; *Si bene Rempublicam, si ex utilitate omnium regent.*

And

And all these Principles were good Doctrine under the Reign of a good Prince; one, who when he delivered the Sword to the Commander in chief of the *Prussian Cohorts*, gave it him with this Charge, viz. *to use for him, if he deserv'd it; if not, to use it against him.*

As Mr. *John Fox* tells us truly, that *Passive Obedience* is calculated for *Tyranny*; so are the opposite Principles calculated for Liberty under a Free Government. Nor can any Prince be afraid of them, who is not conscious to himself that his Government is such, as deserves to have the Effects of them brought home to his door; and therefore, who ever asserts them under the Reign of a Just Prince, puts the greatest Affront upon him imaginable, for consequently they call him a Tyrant to his face.

I have argued with some of our *far-famed Men* upon this Topic; and they say That *Passive Obedience* is directly against the Law of the Nation, by which all Persons whatsoever, who act by virtue of any Authority derived from the Prince, must act at their Peril; for that if such Authority, Writ, Commission, or whatever it is, be not warranted by Law, the Persons who put it in execution, are *Trespassers*; and if they meet with Opposition,

and kill the Opponents, are Murderers, because they acted without any Authority at all. For an illegal Commission is a void Commission, and a void Commission is no Commission. Whereas, according to our Passive Obedience Gentlemen, a void Commission, which our Law says ought not to be obey'd, does yet command our Obedience, equally with a Commission warranted by Law, because it proceeds, forsooth, from the Authority of the Sovereign.

They have not been able to deny, being thus pressed, that Passive Obedience has no Foundation in the ancient Laws of this Realm; and have taken themselves to a few Clauses in the Act or Acts of Parliament made since the Restoration of King Charles the Second. The one is the Corporation Oath, whereby is renounced "the Traiterous Position of taking up Arms by the King's Authority against his Person, or against those that manage Commissioned by Him, and other things y^e shall

Besides that this Oath is now taken away by an Act of Parliament in the first Years of the present Majesties Reign, they would do well to remember what passed in the House of Lords in the Year 1675; when great Endeavours were used to have this Oath imposed as a Test upon the whole Nation.

ing what was then alledged against it, and that the Bill was thereupon thrown out of the House. But the chief thing that I now think fit to mention, is, that in the very sense of the Parliament which passed it, Persons *Legally Commissioned* were understood, and no others; for it met with main Opposition in the House of Commons; and in particular Sir Edward Vaughan, who was afterwards Lord Chief Justice of the Court of Common Pleas, made a long Speech, in which he shewed that by the Law the People of England not only might, but in some Cases were bound to take up Arms against Persons Commissioned by the King; and that Sheriffs of Counties were bound, if it could be done no other wise, to raise the *Posse Comitatus* to oppose and suppress all such as should put any such illegal Commissions in Execution, if they proceeded so far as to compel Obedience to them; for then they became Rioters, and subject to the several Acts of Parliament made for the suppressing of such Offenders. To which Sir Heneage Finch, then Solicitor General, and afterwards Earl of Nottingham, and Lord Chancellor of England, who was a great promoter of the Bill, made no other Answer but this, viz. That the word *Legally* needed not be inserted, for that it must of necessity be understood to be implied, because Persons not Legally Commissioned, were not

Commissioned at all. Upon which the Bill passed. And for the truth of this I appeal to the Memories of some who are yet alive, and were Members of that Parliament, and present in the House at this Debate.

The same Oath, with very little Alteration in Words, is in the *Act for Ordering the Forces in the several Counties of this Kingdom*, commonly called the *Militia Act*. The Alteration is this, OR AGAINST THOSE THAT ARE COMMISSIONED BY HIM, IN PURSUANCE OF SUCH MILITARY COMMISSIONS. Those Military Commissions are Commissions of the Lieutenancy, which we know to be settled and regulated by a Law, and therefore to swear not to oppose them, is no more than to swear not to fight against an Act of Parliament, or to do ill as they do. The rest are vulgar Expressions in the Preambles of an Act or two, which we know do not make a Law. A learned sort of Bishop has observed since. But to hear the Bottom of the Errors that our Clergy have run into upon this Subject, is their forming to themselves an Idol of their own Invention, instead of a Legal English King. This Chear was discovered early in the 7th Year of the Reign of King James the First, and complain'd of in an Apology of the House of Commons in those Days; viz. That instead of enquiring into what Power, Authority and

and Prerogatives the Kings of *England* enjoy by the Laws of this Nation; our Men of Speculative Heads had framed to themselves a general Notion of the word *King*, as a *Genus*; had given it a Definition, and brought all Kings, and other single supreme Magistrates as Individuals, under that Definition.

By which Means the Laws and Constitutions of Nations were silenc'd; and whatever Government had a single Person at the Head of it, was equally subject to that single Person, however their several Laws and Constitutions respectively might limit and restrain his Power.

This pernicious as well as senseless Hypothesis strikes at the Root of whatever the Church is possessed of in Temporals, as well as at the Liberty and Property of Lay-Subjects: for the Clergy have no Privileges, Jurisdictions, Endowments, &c. but what are conferred upon them, and secured to them by Law; which Law if they subject to the Personal Power of the Prince, their Injoyment of them is precarious, and they have nothing but his good Nature to depend upon.

Not to mention the Ingratitude they show, in having received so ample Endowments from the Charity of our Ancestors, who thought themselves Proprietors of their Estates; out of which they provided

vided so liberally for them, and yet endeavouring to enslave their Masters, and render their Liberty and Property precarious.

But St. Paul's Words to Timothy are verified in these Men, viz. *Desiring to be Teachers of the Law, they understand neither what they say, nor whereof they affirm.*

We could wish that Mr. Johnson had enlarged his Book with what he does but hint at, and barely mention. I mean the Doctrine of the *Mirror*, the *Confessor's Laws*, the *Curtana Sword*, and the Power of the *Lord High Steward*, and other great Officers of the Kingdom: but particularly that he had given us an Account of the Authority of the *Lord High Steward*, concerning which Great Officer we find but some few Scraps here and there in any printed Book; but they are such as give us good Cause to believe that he was farther intrusted and impowred to redress Misgovernment in the State, than our Clergy are generally aware of; and tho' there be no such standing Officer, at this Day, yet there having been such an one, it would do well if we were informed both wherein his Office did particularly consist, and how it came to be disused.

The Stile of Mr. Johnson's Preface offends some amongst us, as too light and wanton for the Gravity